UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,138	12/16/1998	GEORGE A. LOPEZ	ICUMM.110A	7376

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ART UNIT	PAPER NUMBER
3624	*13*

DATE MAILED: 09/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 July 2002_ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-16_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-16_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)		4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)		5)☐ Notice of Informal Patent Application (PTO-152)
3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .		6)☐ Other: .

DETAILED ACTION

1.   In view of the supplemental appeal brief filed on July 3, 2002, PROSECUTION IS HEREBY

REOPENED. New grounds of rejection based upon prior Form 892 references cited is set forth

below.

To avoid abandonment of the application, appellant must exercise one of the following two

options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR

1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a

supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or

other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis

for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-5, 7-11,14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Dworkin

(US 4,992,940).

As per CL 1,

A system for browsing products using competitor information, the system comprising:

-a product database including first data representing a product, including

second data representing a competing product, and including third data

representing an association between said product and said competing product,

said product database stored on a computer readable medium; / abstract; fig 1,3, 6, 7; col 1, L 53-69;

col 3, L 60 to col 4, L 2;

-a dynamic page file for generating an electronic store page, said dynamic page file

including instructions to use said second data as a query parameter to obtain said first

data from said product database, said first data included in said electronic store page,

said dynamic page file stored on said computer readable medium; and / fig 2A (23,25,27,29,35,37);

fig 6 (1)investigate product); fig 2B (47,51); col 8, L 9-20

-a product information server responsive to a customer request for said electronic store page to

access said dynamic page file, to process said instructions and to provide said electronic store page

to said customer, said product information server running on a computer operably connected to said

computer readable medium. / fig 2A,2B,3,4,5,6; col 1, L 52-60; col 1, L 65 to col 2, L 6; col 2, L 6-19;

col 3, L 20-44; col 8, L 9-20

CL 2,

The system as described in Claim 1, wherein said product database includes data representing an

association between a manufacturer and said second data, said system further comprising:

-a second dynamic page file for generating a second electronic store page, said dynamic page file

including second instructions to use information identifying a manufacturer as a query parameter to

obtain said second data from said product database, said second data included in said second

electronic store page, said second dynamic page file stored on said computer readable medium. / fig

6, 8; col 1, L 13-28; col 8, L 9-20

CL 3,

The system as described in Claim 2, wherein said product information server responds to a customer

request for said second electronic store page by accessing said second dynamic page file, by

processing said second instructions, and by providing said second electronic store page to said

customer. / fig 3,4,6,7; col 8, L 9-20

CL 4,

The system as described in Claim 1 further comprising:

-an electronic store page having a hyperlink responsive to a customer selection of said hyperlink to

generate said request. / fig 2A, 2B, 3

CL 5,

The system as described in Claim 4 further comprising:

-a customer browser which transmits said second data to said page sever upon said selection of said

hyperlink / fig 2B (47-69)

CL 7,

A method for locating information about a product using information about a corresponding product,

said method comprising the steps of:

-transmitting with a page server at least one corresponding product hyperlink to a customer browser,

said at least one corresponding product hyperlink operatively associated with a corresponding

product identifier representing a corresponding product and operatively associated with a page file

identifier representing a corresponding product page file; / fig 3,4,6; col 2, L 19-42

-receiving with said customer browser said corresponding product hyperlink; / fig 2A (29), 2B (42, 47,

51),6,8

-displaying with said customer browser information identifying a product, a portion of said displayed

information selectable to activate said corresponding product hyperlink; and / fig 2A(27,41),

2B(47,51),6,8; col 2, L 25-33

-responding to a selection of said portion by transmitting to said page server a request for said

corresponding product page file and by transmitting to said page server said product

identifier / fig 2A (25, 37), 2B (49-51),6; col 1, L 52-60; col 6, L 51-57

CL 8,

The method as described in Claim 7, comprising the further steps of

-receiving with said page server said request for said corresponding product page file and said

identifier; / col 6, L 26-37; col 8, L 3-8

-processing instructions in said page file to use said identifier to obtain data representing a

corresponding product; and / col 7, L 43-49(internal identifier) col 8, L 9-20

-transmitting with said page server to a customer browser said data representing said corresponding

product. / fig 2A(27-43), 2B(47-49)

CL 9,

The method as described in Claim 8, comprising the further steps of

-transmitting with said page server at least one manufacturer hyperlink to a customer browser, said at

least one manufacturer hyperlink operatively associated with a manufacturer identifier representing a

manufacturer and operatively associated with a second page file identifier representing a

manufacturer product list page file; / fig 6,8; col 2, L 19-36; col 6, L 25-43

-receiving with said customer browser said manufacturer hyperlink: / fig 6,8

-displaying with said customer browser second information identifying said manufacturer, a portion of

said displayed second information selectable to activate said manufacturer hyperlink; and / fig 6,7,8;

col 6, L 25-43;

-responding to a selection of said portion of said second information by transmitting to said page

server a request for said manufacturer product list page file and by transmitting to said page server

said manufacturer identifier / fig 2A(23-43), 2B(43-49),6,8

CL 10,

The method as described in Claim 9, comprising the further steps of:

-receiving with said page server said request for said manufacturer product list page file and said

manufacturer identifier; / fig 2A(23-37),2B(41-49),6,8

-processing second instructions in said manufacturer product list page file to use said manufacturer

identifier to obtain data representing products of said manufacturer; and / fig 6,8; col 8, L 9-30

-transmitting with said page server to a customer browser said data representing said products of

said manufacturer. / abstract; fig 6,8; col 1, L 52-68; col 6, L 44-50; col 8, L 9-20

CL 11,

An e-store dynamic page file comprising:

static content including content identification tags which may be interpreted to format said

content; / col 2, L 19-36; col 7, L 37-53; fig 3 (tags in HTML by inherency to create capitals for

contents of Main Menu)

script components including:

-connection instructions to establish a connection to a product database; / abstract (programming the

connection instructions); col 2, L 19-36; col 7, L 37-53

-query instructions to query said product database using a search key provided to said query

instructions as a parameter, and to thereby obtain a record set including at least one record, each of

said at least one records including information about competing products; and / fig 2A(23-37), 2B(41-

55),6,8

-hyperlink creation instructions to create a hyperlink for each of said at least one records, each

hyperlink referencing a corresponding product page file for transmitting information about a

corresponding product, each hyperlink including an identifier representing a corresponding product. /

abstract(programming the hyperlink creation instructions); fig 2A(23-37), 2B(41-55),6,7,8

CL 14,

A system for locating information about products, said system comprising:

-associating means for storing an association between a product and a corresponding

product; / abstract; fig 6,8

-requesting means responsive to an identification of said product to request information

about said corresponding product; / abstract ; col 2, L 6-24

-query means for using said identification of said product to access said associating

means and to thereby obtain said information about said corresponding product; / abstract; fig 2A(23-

37), 2B(41-55),6,8; col 2, L 25-33

-information assembly means responsive to said request to invoke said query means

and to format said information about said corresponding product; and / abstract; col 2, L 34-41

-transmitting means for presenting to a customer said formatted

information about said corresponding product. / abstract; fig 1,6,8; col 2, L 16-33

CL 15,

 A product browsing system comprising:

-a server computer having a network connection; / abstract; fig 1; col 1, L 53-68 ("computer, or

equivalent," can be the server)

-a product database including first data representing a product, including second data representing a

competing product, and including third data representing an association between said product and

said product and said competing product, said product database residing on a computer readable

medium ˙of the server computer; and / abstract; fig 1,3,6,7; col 1, L 53-69(computer equivalent in

speed of a server computer); col 3, L 60 to col 4, L 2

-a dynamic page file for generating and electronic store page, said dynamic page file including

instructions to use said second data as a query parameter to obtain said first data from said product

database, said first data included in said electronic store page, said electronic store page transmitted

via said network connection. / fig 2A(23,25,27,29,35,37), 2B(47,51); fig 6(1)investigate product)

CL 16,

A method for retrieving information about a product using information about another product, said

method comprising:

-a step for storing information on a first set of products; / abstract; fig 3,4

-a step for storing information on a second set of products; / abstract; fig 3,4

-a step for storing an association between the first set of products and the second set of products said

association representing product equivalency/ abstract; fig 3,4

-a step for establishing communication between a client computer and a server computer; / col 1, L

53-69 (computer equivalent in speed of server)

-a step for transmitting a product identifier from the first set of products to the server computer; and /

col 2, L 19-41; col 1, L 53-69 (computer equivalent in speed of server)

-a step for receiving a competing product identifier from the second set of products./ fig 6,8; col 1, L

53-68(computer equivalent in speed of server); col 2, L 19-41

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claim 6,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin

(US 4,992,940) and in view of official notice.

CL 6,

The system as described in Claim 5, wherein said product database includes product cost information

related to said product, further comprising:

-Dworkin teaches competing cost information about said competing product, said customer browser

transmitting said cost information to said page server; (abstract; fig 6,7). Dworkin fails to teach a cost

savings form on said electronic store page.

Official notice is taken that this feature is old and well known in

the e-commerce art and / or retail art of sales with cost savings advertising of "beating all the

competition by 10%." It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to implement this

feature for the advantage of convenience of summarizing the cost savings in advance of the

consumer having to do so in order to make an informative decision based on cost.

-Dworkin teaches second instructions in said dynamic page file for comparing said competing cost

information and said product cost information to (fig 6,7). The reference fails to teach the feature of

calculating the cost savings information, said product information server providing said savings

information to said customer.

Official notice is taken that this feature is old and well known in

the e-commerce art and / or retail art of sales with cost savings advertising of "beating all the

competition by 10%." It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to implement this

feature for the advantage of saving the consumer of having to actually do the cost saving calculations

himself and thus arriving at a faster buying decision.

CL 12,

The e-store dynamic page file as described in Claim 11 further comprising:

- Dworkin teaches accepting competing cost information related to the cost of said competing

products / Dworkin fails to teach a cost savings form including at least one text entry field for

including a cost savings hyperlink, the cost savings hyperlink referencing a corresponding product

page file for transmitting information about a difference in cost between said products and said

competing products, the cost savings hyperlink including an identifier representing a corresponding

product and at least one cost identifier representing said competing cost information.

Official notice is taken that this feature is old and well known in

the e-commerce art and / or retail art of sales with cost savings advertising of "beating all the

competition by 10%." It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to implement this

feature on a website for the advantage of convenience summarizing the cost savings in advance of

the consumer having to do so in order to make an informative decision based on cost.

CL 13,

The e-store dynamic page file as described in Claim12 wherein said script components further

include:

-Dworkin teaches records (fig 6,7). Dworkin does not teach form placement instructions for

generating said cost savings form. Official notice is taken that this feature is old and well known in

the e-commerce art and / or retail art. It would have been obvious to one of

ordinary skill in the art at the time of applicant's invention to implement this

feature on a website for the advantage of summarizing the cost savings in advance of the consumer

having to do so in order to make an informative decision based on cost.

This action is Non-Final. Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Steven R. Wasylchak whose telephone

number is (703) 308-2848.   The examiner can normally be reached on Monday-Thursday from 7:00

a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-

7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

9/6/02

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